

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

TASER INTERNATIONAL, INC.,  
*et al.*,

Plaintiffs,

v.

MORGAN STANLEY & CO., INC.,  
*et al.*,

Defendants.

Civil Case No.

1:10-CV-03108-JEC

**DECLARATION OF CHRISTINA J. HAYES**

I, Christina J. Hayes, declare as follows:

1. I am an associate at the law firm of O'Melveny & Myers LLP ("OMM"), which represents Defendant Merrill Lynch Professional Clearing Corp. ("Merrill Pro") in this litigation. I make this declaration in support of Merrill Pro's Opposition to Plaintiffs' Motion for Leave to File a Sur-Reply and to Strike the Reply Declarations of Brad M. Elias and Peter Melz. Except as otherwise indicated, I have personal knowledge of the facts recited herein. If called to testify under oath, I could and would competently testify to them.

2. Attached to this declaration as Exhibit 1 is a true and correct copy of Plaintiffs' Response in Opposition to Defendant Merrill Lynch Professional Clearing Corp.'s Motion to Dismiss for Lack of Personal Jurisdiction or, in the Alternative, to Transfer under 28 U.S.C. § 1406(a), filed December 17, 2010.

3. Attached to this declaration as Exhibit 2 is a true and correct copy of the Reply Declaration of Peter Melz, filed with Merrill Pro's Reply Memorandum in Further Support of its Motion to Dismiss for Lack of Personal Jurisdiction on January 11, 2011.


4. Attached to this declaration as Exhibit 3 is a true and correct copy of Merrill Pro's Responses and Objections to Plaintiffs' First Requests for Admission, dated December 1, 2010.

5. Attached to this declaration as Exhibit 4 is a true and correct copy of Plaintiffs' Second Requests for Production to Merrill Pro.

6. Attached to this declaration as Exhibit 5 is a true and correct copy of the Reply Declaration of Brad M. Elias, filed with Merrill Pro's Reply Memorandum in Further Support of its Motion to Dismiss for Lack of Personal Jurisdiction on January 11, 2011.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 11<sup>th</sup> day of February, 2011, in New York, New York.



Christina J. Hayes

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

TASER INTERNATIONAL, INC.,  
*et al.*

Plaintiffs,

v.

MORGAN STANLEY & CO., INC.,  
*et al.*

Defendants.

CIVIL ACTION NUMBER:  
1:10-CV-03108-JEC

**CERTIFICATE OF SERVICE**

I hereby certify that on February 11, 2011, I caused a copy of the foregoing  
DECLARATION OF CHRISTINA J. HAYES to be served by United States Mail  
on the following attorneys of record:

John E. Floyd, Esq.  
Steven J. Rosenwasser, Esq.  
Nicole G. Iannarone, Esq.  
Jill A. Pryor, Esq.  
Robert L. Ashe, III, Esq.  
Michael A. Caplan, Esq.  
Elizabeth G. Eager, Esq.  
BONDURANT, MIXON & ELMORE LLP  
3900 One Atlantic Center  
1201 West Peachtree Street, N.W.  
Atlanta, Georgia 30309

James W. Christian, Esq.  
CHRISTIAN, SMITH & JEWELL LLP  
2302 Fannin, Suite 500  
Houston, TX 77002

Robert F. Wise, Jr., Esq.  
Melissa Aoyagi, Esq.  
DAVIS POLK & WARDWELL LLP  
450 Lexington Avenue  
New York, NY 10017

Richard H. Klapper, Esq.  
Richard C. Pepperman, II, Esq.  
Tracy Richelle High, Esq.  
SULLIVAN & CROMWELL LLP  
125 Broad Street  
New York, NY 10004-2498

Stephen L. Ratner, Esq.  
Brian L. Friedman, Esq.  
PROSKAUER ROSE LLP  
1585 Broadway  
New York, NY 10036

Gregory A. Markel, Esq.  
Martin L. Seidel, Esq.  
Peter J. Isajiw, Esq.  
Heather L. Fesnak, Esq.  
CADWALADER, WICKERSHAM & TAFT LLP  
One World Financial Center  
New York, NY 10281

Fraser L. Hunter, Jr., Esq.  
WILMER CUTLER PICKERING HALE AND  
DORR LLP  
399 Park Avenue  
New York, NY 10022

Andrew J. Frackman, Esq.  
Abby Rudzin, Esq.  
Brad Elias, Esq.  
O'MELVENY & MYERS LLP  
Times Square Tower  
7 Times Square  
New York, NY 10036

Andrew B. Clubok, Esq.  
Jeffrey G. Landis, Esq.  
Jeffrey M. Gould, Esq.  
KIRKLAND & ELLIS LLP  
655 Fifteenth Street, N.W.  
Washington, DC 20005

/s/ Dan F. Laney, III

Dan F. Laney III  
Georgia Bar No. 435290  
dlaney@rh-law.com

*Attorneys for Defendant Merrill  
Lynch Professional Clearing Corp.*